## OFFICE OF THE FEDERAL PUBLIC DEFENDER NORTHERN DISTRICT OF NEW YORK

Albany - Main Office 39 NORTH PEARL ST. 5™ FLOOR ALBANY, NY 12207 (518) 436-1850 (518) 436-1780 FAX

Syracuse - Branch Office 4 CLINTON SQUARE 3<sup>10</sup> FLOOR SYRACUSE, NY 13202 (315) 701-0080 (315) 701-0081 FAX

RESPOND TO SYRACUSE OFFICE

Lisa Peebles, Federal Public Defender

**OSWEGO COUNTY** 

COURT CLERK'S OFFICE

September 30, 2015

## **VIA FAX – 376-1656**

Hon. Daniel King Acting Oswego County Court Judge Lewis County Courthouse 7660 State Street Lowville, NY 13367

RE: PEOPLE V. GARY THIBODEAU
INDICTMENT NUMBER 94-161

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Dear Judge King,

I am writing to request the Court to allow the defense to call an additional witness, Rhonda Burr, in support of our claim that Heidi Allen was a confidential informant and that the prosecution purposely suppressed such information at the time of Gary Thibodeau's trial.

On September 30, 2015, I received a telephone call from Rhonda Burr. Ms. Burr was a co-worker with Heidi Allen at the D & W Convenience store from 1992 to 1994 and quit three weeks before Heidi Allen disappeared. During that time Ms. Allen personally spoke with Ms. Burr about being a confidential informant. Heidi Allen told Ms. Burr what the Sherriff's Department was requesting her to do and her fears regarding being involved in such activities. See attached affidavit of Rhonda Burr. Ms. Burr's testimony further serves to undermine the testimony given at our recent post-verdict hearing wherein the People alleged that Ms. Allen was not working as an informant and that she was not providing direct information concerning drug activities.

SEP 3 0 2015

LAP: VIB.

DISTRICT ATTORNEY'S OFFICE

Very truly yours,
OFFICE OF THE FEDERAL PUBLIC DEFENDER

By: Lisa Peebles, Esq. Federal Public Defender

cc: Oswego County District Attorney's Office (Fax #349-3212)

## COUNTY COURT OF THE STATE OF NEW YORK COUNTY OF OSWEGO: CRIMINAL TERM

PEOPLE OF THE STATE OF NEW YORK,

Petitioner.

**AFFIDAVIT** 

-against-

**INDICTMENT #94-1** 

GARY THIBODEAU.

Respondent.

STATE OF NEW YORK COUNTY OF OSWEGO SS.:

I, Rhonda Burr, being duly sworn depose at state:

I am 51 years old and I have resided in Oswego County my entire life. In approximately 1992 through March, 1994 I worked at the D & W. I quit about 3 weeks prior to Heidi Allen being abducted.

As an employee of the D & W, I met Heidi and we often worked the same shift together. I became close with her and there were times when she would come to my house after work and we would hang out and talk. She confided in me regarding claims of sexual harassment at the D & W and also the fact she was working as a confidential informant for the Oswego County Sheriff's Department.

Heidi told me that she was actively working as an informant in that, she would attend various parties and report back to her contact at the Sheriff's Department concerning underage drinking and marijuana dealing. Not long before she was abducted, Heidi told me that the Sheriff's Department wanted her to "nail" people for coke dealing and she was afraid. Specifically, Heidi told me that she did not want to get involved with the coke people because she either was going to have to use coke herself or she was afraid she would have to, I can't recall exactly what she told me regarding her reluctance. I recall telling Heidi to get out of that crowd and stop informing because I thought it was too dangerous for her.

After Heidi was abducted, it was more than a week or two before I was interviewed by Sheriff's investigators and they told me they did not have a record of me working at the store. I thought it was odd they never took much information from me.

I read an interview of Brett Law on line yesterday and I notice my name came up regarding a conversation about a "cokehead" around the corner. I do not recall having this conversation with

Brett Law but I do know Heidi was concerned about informing on "coke" people.

I never said anything to the Sheriff's investigators about Heidi's informant status because I figured they obviously knew about since she was working for them and I certainly did not want to put myself in jeopardy. I am only coming forward now because Brett Law brought my name up and I thought I should disclose what Heidi told me.

rda Burr

Sworn to me this 30th

day of September 2015

**Notary Public** 

LISA A. PEBBLES
Notary Public, State of New York
Qualified in Onondaga County
Reg. #02PE5021239
My Commission Expires Dec. 13, 20/7